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**BURNS BAIR LLP**

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Telephone: (608) 286-2302

*Counsel for the Official Committee of Unsecured Creditors*

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SANTA ROSA DIVISION**

**In re:**

**THE ROMAN CATHOLIC BISHOP  
OF SANTA ROSA,**

**Debtor.**

Case No. 23-10113 CN

Chapter 11

**COVER SHEET TO FIRST INTERIM FEE  
APPLICATION OF BURNS BAIR LLP FOR  
ALLOWANCE AND PAYMENT OF  
COMPENSATION AND EXPENSES FOR THE  
PERIOD OF JULY 17, 2023 THROUGH  
NOVEMBER 30, 2023**

Date: February 9, 2024

Time: 11:00 AM

Location: 1300 Clay Street, Ctrm. 215  
Oakland, California 94612

Judge: Hon. Charles Novack

Objection Deadline: January 26, 2024

**GENERAL INFORMATION**

Name of Applicant:	Burns Bair LLP
Authorized to Provide Professional Services to:	The Official Committee of Unsecured Creditors
Date of Retention:	July 17, 2023 by Order dated August 28, 2023 [ECF 375]
Period for which compensation and reimbursement is sought:	July 17, 2023 through November 30, 2023
Amount of Compensation sought as actual, reasonable and necessary:	\$32,030.00
Amount of Expense Reimbursement sought as actual, reasonable and necessary:	\$772.10
This is a(n)	<input type="checkbox"/> Monthly <input checked="" type="checkbox"/> Interim <input type="checkbox"/> Final application
Prior Applications:	None

**SUMMARY OF MONTHLY FEE STATEMENTS FOR COMPENSATION PERIOD**

Date Filed	Period Covered	80 % of Fees Requested	Total Fees Incurred	Expenses Requested	Fees Approved	Expenses Approved	Amount Received
9/20/23 ECF 431	7/17/23- 8/31/23	\$3,339.20	\$4,174.00	\$674.00	\$3,339.20	\$674.00	\$4,013.20
10/20/23 ECF 476	9/1/23- 9/30/23	\$8,652.80	\$10,816.00	\$0	\$8,652.80	\$0	\$8,652.80
11/20/23 ECF 515	10/1/23- 10/31/23	\$8,207.20	\$10,259.00	\$98.10	\$8,207.20	\$98.10	\$8,305.30
12/20/23 ECF 555	11/1/23- 11/30/23	\$5,424.80	\$6,781.00	\$0	\$5,424.80	\$0	\$5,424.80
Total		\$25,624.00	\$32,030.00	\$772.10	\$25,624.00	\$772.10	\$26,396.10

Summary of Any Objections to Monthly Fee Statements:    None.

Compensation and Expenses Sought in this Interim Application Not Yet Paid:        **\$6,406.00**

**SUMMARY OF PROFESSIONALS**

<b>Name of Professional</b>	<b>Title</b>	<b>Year Admitted to Bar</b>	<b>Hourly Rate</b>	<b>Total Hours Billed</b>	<b>Total Compensation</b>
Timothy Burns	Partner	1991	\$1,120	11.10	\$12,432.00
Jesse Bair	Partner	2013	\$900	11.60	\$10,440.00
Nathan Kuenzi	Associate	2020	\$550	10.50	\$5,775.00
Karin Jonch-Clausen	Associate	2020	\$550	5.10	\$2,805.00
Brenda Horn-Edwards	Paralegal	N/A	\$340	1.7	\$578.00
<b>Total</b>				<b>40.0</b>	<b>\$32,030.00</b>
<b>Blended Hourly Attorney Rate</b>					<b>\$821.20</b>

**FEES BY PROJECT CATEGORY**

<b>Project Category</b>	<b>Total Hours</b>	<b>Total Fees</b>
Committee Meetings	2.0	\$2,020.00
Fee Applications	3.30	\$2,018.00
Hearings	.90	\$920.00
Insurance Recovery Activities	33.80	\$27,072.00
<b>Grand Total</b>	<b>40.0</b>	<b>\$32,030.00</b>

**EXPENSES**

<b>DESCRIPTION</b>	<b>AMOUNT</b>
Court Fees	\$674.00
PACER	\$98.10
<b>Total</b>	<b>\$772.10</b>

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*Counsel for the Official Committee of Unsecured Creditors*

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**SANTA ROSA DIVISION**

**In re:**

**THE ROMAN CATHOLIC BISHOP  
OF SANTA ROSA,**

**Debtor.**

Case No. 23-10113 CN

Chapter 11

**FIRST INTERIM FEE APPLICATION OF BURNS  
BAIR LLP FOR ALLOWANCE AND PAYMENT  
OF COMPENSATION AND EXPENSES FOR THE  
PERIOD OF JULY 17, 2023 THROUGH  
NOVEMBER 30, 2023**

Date: February 9, 2024

Time: 11:00 AM

Location: 1300 Clay Street, Ctrm. 215  
Oakland, California 94612

Judge: Hon. Charles Novack

Objection Deadline: January 26, 2024

1 Burns Bair LLP (“Burns Bair”), special insurance counsel to the Official Committee of  
2 Unsecured Creditors (the “Committee”), respectfully submits this first interim application for the  
3 allowance of compensation and reimbursement of actual and necessary expenses (the “Application”)  
4 for services performed as special insurance counsel to the Committee from July 17, 2023 through  
5 November 30, 2023 (the “Interim Fee Period”). Pursuant to the Court’s *Order Establishing*  
6 *Procedures and Authorizing Payment of Professional Fees and Expenses on a Monthly Basis* [ECF  
7 No. 243] (the “Interim Compensation Order”), sections 330 and 331 of title 11 of the United States  
8 Code (the “Bankruptcy Code”), Rule 2016 of the Federal Rules of Bankruptcy Procedure (the  
9 “Bankruptcy Rules”), the *Guidelines for Compensation and Expense Reimbursement of Professionals*  
10 *and Trustees* (the “Northern District Guidelines”), and the Local Bankruptcy Rules for the Northern  
11 District of California (the “Local Rules”).

12 The Interim Application is based upon the points and authorities cited herein, the Certification  
13 of Timothy W. Burns, the pleadings, papers, and records on file in this case, and any evidence or  
14 argument that the Court may entertain at the time of the hearing of the Interim Application.

### 15 **BACKGROUND**

16 1. On March 13, 2023, The Roman Catholic Bishop of Santa Rosa filed a voluntary  
17 petition for relief under Chapter 11 of Title 11 of the Bankruptcy Code.

18 2. On March 27, 2023, the Office of the United States Trustee appointed nine members  
19 to the Committee [ECF No. 56].

20 3. On July 17, 2023, the Committee selected Burns Bair to serve as special insurance  
21 counsel to the Committee under 11 U.S.C. § 1103(a).

22 4. On August 11, 2023, the Committee filed an application seeking to retain Burns Bair  
23 as special insurance counsel to the Committee effective as of July 17, 2023 (the “Employment  
24 Application”) [ECF No. 345]. On August 28, 2023, the Court granted the Employment Application  
25 (the “Retention Order”) [ECF No. 375]. The Retention Order authorizes compensation and  
26 reimbursement to Burns Bair pursuant to the Bankruptcy Code, the Bankruptcy Rules, the Northern  
27 District Guidelines, the Local Rules, and the Interim Compensation Order. Subject to Burns Bair’s  
28 application to the Court, the Committee is authorized by the Retention Order to compensate Burns

1 Bair at its standard hourly rates for services performed and to reimburse it for actual and necessary  
2 expenses incurred. The Retention Order authorizes Burns Bair to provide the following services to  
3 the Committee:

- 4 a. analyzing, investigating, and assessing the availability of coverage under the  
5 Debtor's insurance policies;
- 6 b. representing the Committee in any adversary proceedings by and between the  
7 Debtor and its insurers, pending Court approval;
- 8 c. engaging in potential mediation and/or other resolution of the claims, demands,  
9 and/or lawsuits related to the Debtor's insurance policies;
- 10 d. advising, negotiating, and advocating on behalf of the Committee with respect to  
11 the Debtor's insurance policies; and
- 12 e. providing related advice and assistance to the Committee as necessary.

13 5. By this Application, Burns Bair seeks interim allowance of compensation in the  
14 amount of \$32,030.00 and incurred reasonable and necessary expenses in the amount of \$772.10, for  
15 a total allowance of \$32,802.10 for the Interim Fee Period. All services for which Burns Bair requests  
16 compensation were performed for or on behalf of the Committee. Burns Bair has received no  
17 promises for payment from any source other than the Debtor for services rendered or to be rendered  
18 in any capacity whatsoever in connection with the matters covered by this Application. There is no  
19 agreement or understanding between Burns Bair for the sharing of compensation to be received for  
20 services rendered in this Chapter 11 Case. In connection with the Chapter 11 Case, as of this date  
21 Burns Bair has been paid \$26,396.10 in fees and \$772.10 in expenses. Burns Bair has billed the  
22 Committee in accordance with its existing billing rates and procedures in effect during the Interim  
23 Fee Period. These rates are the same rates Burns Bair charges for services rendered by its attorneys  
24 and paraprofessionals in comparable matters and are reasonable given the compensation charged by  
25 comparably skilled practitioners in similar matters in both the California and national markets.

26 6. The Committee has reviewed the Interim Application and approves the fees and  
27 expenses requested herein.

28 7. Burns Bair has not received a retainer in connection with this proceeding.

8. No plan has been confirmed in this case.

## CASE SUMMARY

9. Burns Bair, on behalf of the Committee, has been actively involved in the advancement of the Debtor's bankruptcy case. To date, and as more fully described herein, Burns Bair:

- Drafted insurance discovery requests;
- Reviewed and analyzed insurance aspects of the Debtor's global mediation motion;
- Began reviewing and analyzing the Debtor's historical insurance information;
- Communicated with Debtor's counsel regarding case insurance and mediation issues;
- Researched issues regarding the California Insurance Guarantee Association in connection with potential insurer insolvencies in this case; and
- Developed overall insurance strategy for the Committee.

10. Burns Bair believes that the Debtor has the ability to pay the fees and expenses requested herein and those fees and expenses requested by other estate professionals. Burns Bair seeks payment solely from the Debtor.

## JURISDICTION

11. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. sections 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. section 157(b). Venue is proper before this Court pursuant to 28 U.S.C. sections 1408 and 1409.

## SUMMARY OF SERVICES PROVIDED TO THE COMMITTEE DURING THE INTERIM FEE PERIOD

12. During the Interim Fee Period, Burns Bair advised the Committee on a wide variety of insurance issues relevant to the Debtor's case. In total, during the Interim Fee Period, Burns Bair provided reasonable and valuable services to the Committee in the amount of \$32,030.00 and incurred reasonable and necessary expenses in the amount of \$772.10. True and accurate copies of Burns Bair's invoices for the Interim Fee Period are attached hereto as **Exhibit 1**. Burns Bair submits that its fees and expenses were actual, necessary, and reasonable under the circumstances of this case

and should be allowed. Burns Bair maintains computerized time records, which have been filed on the docket with the firm's monthly fee statements and furnished to the Debtor and the United States Trustee for the Northern District of California in the format specified by the Interim Compensation Order.

13. Narrative descriptions of the services performed, the results achieved, the amount of time involved, and the amount requested in fees are provided below and are separated by task or proceeding. Given the interconnectedness of the issues in this Chapter 11 case, certain of these tasks or proceedings may overlap with each other.

#### A. Committee Meetings

14. During the Interim Fee Period, Burns Bair participated in a Committee meeting for the purpose of advising on case insurance issues. Meetings and communications with the Committee and other creditors are a necessary and mandatory aspect of Burns Bair's legal representation of the Committee.

Timekeeper	Title	Hourly Rate	Total Hours Billed	Total Compensation
Timothy Burns	Partner	\$1,120.00	1.0	\$1,120.00
Jesse Bair	Partner	\$900.00	1.0	\$900.00
<b>TOTAL</b>			<b>2.0</b>	<b>\$2,020.00</b>

#### B. Fee Applications

15. During the Interim Fee Period, Burns Bair prepared monthly fee statements for July through November of 2023.

Timekeeper	Title	Hourly Rate	Total Hours Billed	Total Compensation
Jesse Bair	Partner	\$900.00	1.6	\$1,440.00
Brenda Horn-Edwards	Paralegal	\$340.00	1.7	\$578.00
<b>TOTAL</b>			<b>3.3</b>	<b>\$2,018.00</b>

#### C. Hearings

16. During the Interim Fee Period, Burns Bair attended a case status conference for insurance purposes and reviewed the transcript of the November 17 hearing on the Debtor's Global Mediation Motion for insurance purposes.



<b>Timekeeper</b>	<b>Title</b>	<b>Hourly Rate</b>	<b>Total Hours Billed</b>	<b>Total Compensation</b>
Timothy Burns	Partner	\$1,120.00	.5	\$560.00
Jesse Bair	Partner	\$900.00	.4	\$360.00
<b>TOTAL</b>			<b>0.9</b>	<b>\$920.00</b>

#### **D. Insurance Recovery Activities**

17. During the Interim Fee Period, Burns Bair provided legal services to the Committee in connection with various insurance recovery activities, including, but not limited to: drafting insurance discovery requests; reviewing and analyzing insurance aspects of the Debtor's global mediation motion; begin reviewing and analyzing the Debtor's historical insurance information; communicating with Debtor's counsel regarding case insurance and mediation issues; researching issues regarding the California Insurance Guarantee Association in connection with potential insurer insolvencies in this case; and developing overall insurance strategy for the Committee.

<b>Timekeeper</b>	<b>Title</b>	<b>Hourly Rate</b>	<b>Total Hours Billed</b>	<b>Total Compensation</b>
Timothy Burns	Partner	\$1,120.00	9.6	\$10,752.00
Jesse Bair	Partner	\$900.00	8.6	\$7,740.00
Nathan Kuenzi	Associate	\$550.00	10.50	\$5,775.00
Karin Jonch-Clausen	Associate	\$550.00	5.10	\$2,805.00
<b>TOTAL</b>			<b>33.8</b>	<b>\$27,072.00</b>

18. All services performed by Burns Bair were necessary to the administration of this case at the time such services were rendered. The services were performed in a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed. The amount requested in this Application is reasonable compensation for actual and necessary services rendered by Burns Bair based on the nature, extent, and value of such services, the time spent on such services, and the cost of comparable services other than in cases under Title 11 of the United States Code.

19. Burns Bair submits that the compensation it seeks is reasonable as compared to the market. Burns Bair has billed the Committee in accordance with its existing billing rates and procedures in effect during the Interim Fee Period. These rates are the same rates Burns Bair charges for services rendered by its attorneys and paraprofessionals in comparable matters and are reasonable

1 given the compensation charged by comparably skilled practitioners in similar matters in both the  
2 California and national markets.

3 20. All services for which Burns Bair requests compensation were performed on behalf of  
4 the Committee and not on behalf of any other person. Burns Bair has not entered into any agreement  
5 to fix fees or to share compensation as prohibited by 18 U.S.C. § 155 and 11 U.S.C. § 504.

6 **EXPENSES**

7 21. In addition to the fees incurred above, Burns Bair has incurred actual and necessary  
8 expenses during the Interim Fee Period in the total amount of \$772.10.

9 22. All expenses for which reimbursement is sought were incurred on behalf of the  
10 Committee and no other person.

11 23. Reimbursement, if allowed in full, will not exceed the amount that Burns Bair paid for  
12 the items designated in the expense itemization.

13 **LEGAL BASIS**

14 24. This Court is authorized to award to professional persons employed by section 1103  
15 of the Bankruptcy Code which states “reasonable compensation for actual, necessary services  
16 rendered by the ... attorney[s] and by any paraprofessional person[s] employed by any such person,  
17 and ... reimbursement for actual, necessary expenses.” 11 U.S.C. § 330. The Court must consider  
18 the nature, extent, and value of such services, taking into account all relevant factors to determine  
19 whether the request for payment in connection with such services is fair and reasonable. *Id.* The  
20 services Burns Bair provided during the Interim Fee Period were actual, reasonable, and necessary  
21 services on behalf of the Committee, and the fees and expenses requested in this Application are fair  
22 and reasonable under the circumstances of this case.

23 **NOTICE**

24 25. Notice of this Interim Application has been provided to the Notice Parties as set forth  
25 in the Interim Compensation Order. Burns Bair submits that, in view of the facts and circumstances  
26 of the Chapter 11 Case, such notice is sufficient and no other or further notice need be provided.

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Dated: January 12, 2024

Respectfully submitted,

/s/ Timothy W. Burns

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Timothy W. Burns, *Admitted Pro Hac Vice*

*Special Insurance Counsel for the Official Committee of Unsecured Creditors*